

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

HANSON ENGINEERING, INC.,

Plaintiff/Counter-Defendant,

v.

ROBERT ASCHER,

Defendant/Counter-Plaintiff.

CIVIL ACTION NO. 07-2651 (JLL)

ORDER

LINARES, District Judge.

Presently before the Court is Plaintiff Hanson Engineering, Inc.'s motion to dismiss Defendant Robert Ascher's Amended Counterclaim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. For the reasons set forth in the Court's opinion dated April 16, 2008,

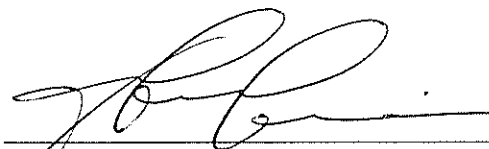
IT IS on this 16th day of April, 2008,

ORDERED that Plaintiff's motion [docket no. 12] is hereby GRANTED IN PART and DENIED IN PART; and it is further

ORDERED that Count I of Defendant's Amended Counterclaim is dismissed without prejudice; and it is further

ORDERED that if Defendant wishes to file a second amended counterclaim, he must do so within thirty (30) days of the entry of this order in accordance with all local and federal rules, and failure to do so will result in dismissal of Count I with prejudice.

SO ORDERED.



Jose L. Linares
United States District Judge